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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,447	07/23/2003	Gaurav Mittal	004770.00491	7966

22907 7590 08/23/2007

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EXAMINER	
WU, QING YUAN	

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
08/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/625,447	MITTAL, GAURAV	
	Examiner	Art Unit	
	Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 15-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 15-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-12 and 15-40 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12 and 15-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbons et al (hereafter Gibbons) (U.S. Publication 2004/0034853).

4. Gibbons was cited in the last office action.

5. As to claim 8, Gibbons teaches a method, comprising:

receiving at a client device a request for information describing available applications [pg. 6, paragraph 74, lines 5-9 and paragraph 75];

generating by the client device in a wireless browser independent manner an initiation request for information describing available applications and for a link to an application descriptor corresponding to each respective available application [pg. 4, paragraph 50, lines 14-17 and paragraph 56; pg. 6, paragraphs 75-76]; and

in response to the initiation request, receiving from an application server computer through a network server computer at least one application choices and corresponding links [pg. 4, paragraphs 52-54; Figs. 1-2; pg. 6, paragraph 81].

6. Gibbons does not specifically teach the application descriptor including attributes to allow a determination by the client device as to whether the respective application is suitable for the client device. However, Gibbons disclosed Wireless Application Descriptor (hereafter WAD) that specifies metadata elements of Download Object (hereafter DO) and corresponding metadata attributes [pg. 5, paragraphs 61-70; Table 1] and capability matching performed via content descriptor(s) (files) during object discovery which allows the Download Application of the (hereafter DA) of a Mobile Terminal (hereafter MT) device to only access DO compatible with the MT [pg. 6, paragraph 79; pg. 9, paragraphs 119-121].

7. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to modify the known method of downloading link to descriptors for determining operations to performed on application [pg. 5, paragraphs 61-64 and 71] to incorporate the determination of a suitable application for the client device [pg. 6, paragraph 79] to achieve the predictable result of downloading a suitable application for the device.

8. As to claim 1, this claim is rejected for the same reason as claim 8 above (from the perspective of the domain where the download object is downloaded from and the Application Download Server (hereafter ADS) [pg. 6, paragraph 80; Figs. 1-2]).

9. As to claim 2, Gibbons teaches the invention substantially as claimed including receiving from the client device a request for an application descriptor, said request comprising a link to the application descriptor; and transmitting said application descriptor to said client device [pg. 6, paragraph 76, lines 4-5 and paragraph 80].

10. As to claim 3, this claim is rejected for the same reason as claim 2 above. In addition, Gibbons teaches retrieving the selected application; and transmitting the selected application to the client device [pg. 6, paragraph 81].

11. As to claim 4, Gibbons teaches the invention substantially as claimed including wherein the client device is one of a computer, a handheld device, a personal digital assistant, and a wireless mobile telephone [pg. 1, paragraph 5].

12. As to claim 5, Gibbons teaches the invention substantially as claimed including wherein the at least one server computer comprises at least one of a network server and an application server [pg. 4, paragraph 57, lines 8-10].

13. As to claim 6, this claim is rejected for the same reason as claim 5 above.

14. As to claim 7, Gibbons teaches the invention substantially as claimed including wherein the link is one of a uniform resource locator and a uniform resource identifier [pg. 5, paragraph 64; pg. 6, paragraph 76].

15. As to claim 35, Gibbons teaches the invention substantially as claimed including wherein the determination by the client device includes whether the client device has a suitable operating environment for the respective application [pg. 1, paragraph 11; pg. 5, paragraph 69].

16. As to claim 36, Gibbons teaches the invention substantially as claimed including wherein the determination by the client device includes whether the client device has sufficient memory to store and execute the respective application [pg. 2, paragraph 14, lines 17-20; pg. 5, paragraph 59, lines 2-4; Tables 1 and 3].

17. As to claim 37, Gibbons teaches the invention substantially as claimed including wherein the determination by the client device includes whether a display for the client device is compatible with the respective application [pg. 2, paragraph 14, lines 8-15; pg. 9, paragraph 120, line 10; Table 3].

18. As to claim 16, this claim is rejected for the same reason as claims 1 and 8 above. In addition, Gibbons teaches a wide area network interconnecting the at least one server computer and the client device [100, Fig. 1].

19. As to claim 17, this claim is rejected for the same reason as claims 2 and 3 above.

20. As to claims 18-21, these claims are rejected for the same reason as claims 4-7 above.

21. As to claim 26, this claim is rejected for the same reason as claim 8 above. In addition, Gibbons teaches an input device [pg. 9, paragraphs 111, 113]; output device [375, Fig. 3]; memory for storing instructions and a processor [pgs. 1-2, paragraphs 12, 14 and 28; abstract].

22. As to claim 27, this claim is rejected for the same reason as claims 1, 6 and 26 above. In addition, Gibbons teaches a content/application download model [pg. 1, paragraphs 6-7; pg. 7, paragraph 87].

23. As to claim 28, Gibbons teaches the invention substantially as claimed including determining from the application descriptor whether an application is suitable for downloading; and upon a determination that the application is suitable for downloading to the client device, downloading the application [pg. 6, paragraphs 79-81; pg. 9, paragraph 119; Figs. 6 and 8].

24. As to claim 29, this claim is rejected for the same reason as claim 7 above.

25. As to claim 22, this claim is rejected for the same reason as claims 1 and 26 above.

26. As to claims 23-25, these claims are rejected for the same reason as claims 2-4 above.

27. As to claim 9, this claim is rejected for the same reason as claim 27 above. In addition, Gibbons does not specifically teach displaying at the client device the application requested. However, Gibbons disclosed displaying information about DO (applications) [pg. 4, paragraph 56; pg. 6, paragraph 76], executing applications [pg. 1, paragraph 6] and icons that can be display on a GUI of a mobile device to represent application [pg. 9, paragraph 117; pgs. 9-10, paragraphs 122, 125; pg. 11, paragraph 131-132]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to further improve on the teaching of Gibbons by displaying application downloaded at the client device to provide a visual indication to user for the ease of invoking the application for execution visually.

28. As to claim 10, this claim is rejected for the same reason as claim 28 above.

29. As to claim 11, this claim is rejected for the same reason as claim 4 above.

30. As to claim 12, this claim is rejected for the same reason as claim 7 above.

31. As to claim 15, this claim is rejected for the same reason as claim 9 above. In addition, Gibbons teaches wherein the content/application download model is one of java application management system, binary runtime environment for wireless, and CoD [pg. 1, paragraphs 7 and 87].

32. As to claims 38-40, these claims are rejected for the same reason as claims 35-37 above.

33. As to claim 30, this claim is rejected for the same reason as claim 1 above.

34. As to claim 31, this claim is rejected for the same reason as claim 3 above.

35. As to claim 32, this claim is rejected for the same reason as claim 8 above.

36. As to claims 33-34, these claims are rejected for the same reason as claims 9 and 15 above.

Response to Arguments

37. Applicant's arguments filed 6/13/07 have been fully considered but they are not persuasive.

38. In the remarks, Applicant argued in substance that:

a. Gibbons does not disclose "generating ...in a wireless browser independent manner...".

b. Gibbons does not disclose

1) an application descriptor

2) link to an application descriptor and

3) an application descriptor including attributes to allow a determination by a client device as to whether the respective application is suitable for the client device.

c. Gibbons does not disclose a network server as stated by the Examiner.

d. Claim 15 recites different language from claim 9, and no explanation is given as to how Gibbons discloses this language.

39. Examiner respectfully traversed Applicant's remarks:

40. As to point (a), the examiner respectfully disagrees and submits that Gibbons' system can be implemented in various network environments, which includes a wireless network environment [pg. 4, paragraph 50; 100, Fig. 1], and user (through the MT) initiating downloading of a DO through a DA in which the DA is a MT device application for retrieving a list of available DO for download from an ADS in communication with the wireless network environment [pg. 4, paragraph 52; 105, Fig. 1; pg. 6, paragraphs 74-75] which clearly satisfy the limitation above.

41. As to points (b1-b2), the examiner respectfully disagrees and submits that Gibbons clearly teaches an application descriptor and a link to the application descriptor [pg. 6, paragraph 76]. In addition, applicant is reminded that claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. If Applicant believes the limitation is important feature of the

invention, it should be incorporated into the claims for further consideration. In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11,15 (CCPA 1978).

42. As to point (b3), see paragraphs 6-7 above.

43. As to point (c), the examiner respectfully disagrees and submits that the mapping is directed to the ADS (Application Download Server) which clearly satisfy the limitation of a network server.

44. As to point (d), clarification to the rejection of claim 15 have been provided, please see rejection in regards to claim 15 above.

45. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished 7applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Qing-Yuan Wu

Examiner

Art Unit 2194